



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In re **Benjamin Trotter**, Sheriff,
Churchill County, State of Nevada,

Ethics Complaint No. **18-043C**

Subject. /

PANEL DETERMINATION¹
NRS 281A.725

The Nevada Commission on Ethics ("Commission") received this Ethics Complaint No. 18-043C ("Complaint") regarding the alleged conduct of Benjamin Trotter ("Trotter"), the former Churchill County Sheriff, State of Nevada, in violation of the Ethics in Government Law set forth in NRS Chapter 281A ("Ethics Law"). The Commission issued its *Order on Jurisdiction and Investigation* on July 31, 2018, which Order instructed the Executive Director to investigate alleged violations of NRS 281A.400(2) and (7) regarding Trotter's personal use of the Churchill County Sheriff's Office equipment and facilities.

At all times relevant to the alleged conduct in this matter, Trotter was a public officer as defined in NRS 281A.160. The Commission has jurisdiction over this matter pursuant to NRS 281A.280 because the allegations contained in the Complaint relate to the Subject's conduct as a public officer and has associated implications under the Ethics Law. Specifically, the Complaint alleged that Trotter misused his position and government resources in support of his campaign for Justice of the Peace and used a county vehicle and facilities for his children.

On February 20, 2019, a Review Panel ("Panel") consisting of Chair Cheryl A. Lau, Esq. (Presiding Officer) and Commissioners Brian Duffrin and Teresa Lowry, Esq., reviewed the following: 1) Ethics Complaint No. 18-043C; 2) Order on Jurisdiction and Investigation; 3) Subject's Response to the Complaint; 4) Investigator's Report, 5) Proposed Letter of Instruction; and 6) Executive Director's Recommendation to the Review Panel.²

Under NAC 281A.430 and 281A.435, the Panel unanimously finds and concludes that the facts do not establish credible evidence to substantiate just and sufficient cause for the Commission to consider the alleged violations of NRS 281A.400(2) and (7) related to Trotter's campaign activities; these allegations are therefore dismissed. However, pursuant to NRS 281A.730, the Panel will issue a Confidential Letter of Instruction to Trotter regarding the applicability of the Ethics Law to campaign activity.

Under NAC 281A.430 and 281A.435, the Panel unanimously finds and concludes that the facts establish credible evidence to support a determination that just and sufficient cause exists for the Commission to render an opinion in the matter regarding violations

¹ Except as provided by law, a Panel Determination shall not be cited as precedent.

² All materials provided to the Panel, except the Complaint and the *Order on Jurisdiction and Investigation*, represent portions of the investigatory file and remain confidential pursuant to NRS 281A.750.

of NRS 281A.400(2) and (7) related to Trotter's use of a county vehicle and facilities for his children. However, pursuant to NRS 281A.730, the Panel reasonably believes that Trotter's conduct may be appropriately addressed through corrective action under the terms and conditions of a deferral agreement instead of referring this complaint to the Commission for further proceedings. Accordingly, the Executive Director is authorized to develop a deferral agreement with Trotter. The deferral agreement must confirm Trotter's acknowledgment of the following:

- Compliance with the Ethics Law for a period of 2 years after approval of the deferral agreement, including the following:
 1. Trotter does not become the subject of another ethics complaint arising from an alleged violation of the Ethics Law during the deferral period for any conduct as a public officer or employee under the Commission's jurisdiction for which the review panel determines that there is just and sufficient cause for the Commission to render an opinion in the matter.³
 2. The Executive Director does not acquire any new or additional information relevant to the facts and circumstances relied upon by the Panel herein that would warrant further proceedings by the Commission.
- The Review Panel's public admonishment.
- The Executive Director's authority to monitor compliance with the deferral agreement.
- The obligation to comply with the terms of the deferral agreement and consequences associated with noncompliance, including the authority of the Review Panel to refer the Complaint to the Commission for further proceedings, which could include an adjudicatory hearing on the merits.
- Upon satisfactory compliance with the deferral agreement, the Complaint will be dismissed.

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³ The Commission does not have jurisdiction over the conduct of any justice, judge or officer of the courts. A justice of the peace is subject to the jurisdiction of the Nevada Commission on Judicial Discipline. This condition of the Deferral Agreement applies only to the extent that Trotter holds any other public office or employment during the deferral period.

Unless an extension is authorized or directed by the Commission Counsel on behalf of the Review Panel, the Executive Director and Subject shall provide a proposed deferral agreement to the Panel through its Commission Counsel on or before March 27, 2019, for consideration of final approval, which deadline may be extended by Commission Counsel for good cause. If the Panel does not approve the deferral agreement or if the Subject declines to enter into a deferral agreement, the Panel will issue an order referring this matter to the Commission for further proceedings.

Dated this 27th day of February, 2019.

NEVADA COMMISSION ON ETHICS

By: /s/ Cheryl A. Lau
Cheryl A. Lau, Esq.
Chair/Presiding Officer

By: /s/ Teresa Lowry
Teresa Lowry, Esq.
Commissioner

By: /s/ Brian Duffrin
Brian Duffrin
Commissioner

CERTIFICATE OF MAILING

I certify that I am an employee of the Nevada Commission on Ethics and that on this day in Carson City, Nevada, I transmitted a true and correct copy of the foregoing **PANEL DETERMINATION** via U.S. Certified Mail and electronic mail as follows:

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Reno, NV 89509

Certified Mail: 9171 9690 0935 0037 6376 34
Email: haltaylorlawyer@gbis.com
cc: ebw.haltaylor@gmail.com

Attorney for Subject

Dated: 2/27/19



Employee, Nevada Commission on Ethics